

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA

-vs-

Case No. 2:06-cr-122 (1)

BRIAN S. LAYTON

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Rule 11, F.R.Cr.P. and has entered a plea of guilty to Count one (1) of the Indictment. After examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determine that the defendant is competent and capable of entering an informed plea, that the guilty plea is knowingly and voluntary made and that the offense charged is supported by an independent basis in fact containing each of the essential elements of such offense.

I therefore RECOMMEND that the plea agreement and the plea of guilty should be accepted and the Defendant should be adjudged guilty and sentenced accordingly.

The Defendant remains on bond pending sentencing.

Date: June 13, 2008

/s/ Terence P. Kemp
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. Section 636(b)(1)(B).